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Report of the Secretary-General on the United Nations Mission in the Sudan

Addendum

I. Introduction

1. The present addendum to my report on the United Nations Mission in the Sudan dated 4 April 2010 (S/2010/168), on the elections in the Sudan, is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan.

II. Political developments

2. The voting period was relatively peaceful, with isolated incidents of violence and reports of harassment and intimidation in some locations in the Sudan. In the immediate post-election period, there have been some disputes over election results, especially in Southern Sudan, and early results strongly in favour of the Sudan People's Liberation Movement (SPLM) in the south and the National Congress Party (NCP) in the north.

3. On 27 March 2010, the newly established Political Parties Council, set up with the support of the African Union High-Level Implementation Panel, met in Juba to select office bearers and consider its terms of reference. The Council, which became active in early April, is made up of the majority of southern political parties.

4. On 31 March 2010, following an extraordinary meeting of the SPLM politburo in Juba, SPLM announced that it was withdrawing the candidacy of Yasir Arman in the race for the presidency. It also announced that it was withdrawing its candidates in Darfur owing to the restrictive environment, but insisted that throughout the rest of the north SPLM candidates would contest the elections at all levels.

5. The SPLM move threw the Juba Alliance of opposition parties into uncertainty, leading several north-based political parties to make announcements confirming their participation in the elections. However, the Communist and Umma-Renewal and Reform Parties withdrew their candidates from all levels. On 8 April 2010, the National Umma Party (NUP), led by former Prime Minister Sadiq al-Mahdi, also withdrew its candidates at all levels, except for in Blue Nile and

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Southern Kordofan States. NUP had listed eight demands to guarantee its participation, including a four-week delay of the elections, as well as measures to ensure equal access to the media, the provision of financial support to political parties and a prohibition on the use of government resources by any party. The Popular Congress Party (PCP) and the Original Democratic Unionist Party (ODUP) participated in the elections at all levels, despite their complaints to the National Elections Commission (NEC) and other authorities of serious incidents of fraud and irregularities. In total, 72 parties participated in the elections.

6. On 11 April 2010, SPLM called for an extension of the elections by four days, to a total of seven days, owing to significant technical and logistical problems experienced on the first day and the consequent concern that these could disenfranchise some potential voters in the south. NCP subsequently also called for an extension of polling. On 12 April 2010, NEC extended the polling period by two days.

7. On 14 April 2010, presidential adviser and NCP representative Ghazi Salah al-Din stated that an invitation would be extended to all parties, including those that had not participated in elections, to join the Government of National Unity after the elections. On 20 April 2010, a senior NCP official announced that President Bashir would not prohibit the activities of the political parties that had boycotted the elections, but said such parties would not be invited to participate in the new Government unless they recognized the outcome.

8. On 17 April 2010, ODUP presidential candidate Hatim Al-Sir issued a press statement rejecting the election results and calling on Party supporters and the Sudanese people to reject them as well. This was followed by a 19 April 2010 statement from ODUP Chairman Mohamed Osman al-Mirghani rejecting the results of the elections and calling for a rerun of the process on the basis that the elections had been rigged.

9. On 17 April 2010, PCP issued a statement rejecting the results of elections and stating that NEC had committed serious mistakes raising doubts about the credibility of the process. The statement indicated that PCP would not be part of any legislative or executive bodies resulting from these elections.

10. On 18 April, the Juba Alliance held a meeting and decided to form four subcommittees to oversee the opposition's post-elections strategies. One of the committees was tasked with organizing civil protests against the elections results. On 20 April, some members of the National Consensus Forces rejected participation in the Government of National Unity.

11. Also on 18 April, members of the Southern Sudan Political Parties Forum, a group of eight parties, including SPLM for Democratic Change, accused NEC of delays in dealing with election violations in the south. The group also accused international monitors of bias in favour of SPLM and stated that the polling in the south had witnessed unprecedented violations.

12. On 19 April, at the Area Joint Military Committee in Blue Nile State, the Sudan People's Liberation Army (SPLA) representative highlighted the increased strength of the Sudanese Armed Forces (SAF) in the State. However, tensions were significantly lowered when NEC announced that the SPLM candidate had won the governor position in the State.

13. Tamam, a network of 120 Sudanese civil society groups, described the elections results as "fraudulent" and called for an entirely new election process, including a new census and a new elections commission.

III. Election preparations and polling

14. There were delays in the printing of ballot papers and in preparing the final voter roll and list of polling stations, owing in part to a late change in the maximum number of voters assigned to each polling station, which required the repacking of many voting materials. Nonetheless, polling materials arrived at almost all polling stations in the Sudan in time for the start of polling on 11 April 2010. Ballots for National Assembly and State Assembly elections in White Nile State had to be reprinted, delaying the start of voting throughout that State.

15. Owing to printing errors discovered at the polling stations, NEC postponed elections in 33 geographical constituency elections, permitting voting only for the women's and party lists in these constituencies. In some cases where polling centres received the wrong ballot papers, polling was delayed for a few hours to enable the State High Committees to address the problem, after which polling resumed.

16. Polling was interrupted in some locations owing to security-related incidents, mainly in Southern Sudan, but also in Western Darfur. In Kulbus, Western Darfur State, the majority of polling centres were closed on the first day of polling, reportedly owing to threats received from Justice and Equality Movement, but some reopened on the second day and remained open thereafter.

17. In Southern Sudan, there were widespread reports of interference in the electoral process, particularly in Northern Bahr al-Ghazal and Unity States. In several locations, polling staff were not allowed to open the centres; in others, polling centres were closed and ballot boxes seized. Clashes between local communities and police, and intimidation of voters, opposition and independent candidates, polling staff, and members of State High Committees were also reported in these States. In some locations, incidents of arrest and detention of domestic observers, traditional leaders, opposition candidates, political party and independent candidate agents, and electoral officials were reported. While no incidents of harassment of international observers were reported, agents of opposition and independent candidates, as well as domestic observers, were prevented from observing the polling, the counting and the tabulation of results in some locations.

18. The sorting and counting period started on 16 April 2010, as announced by the National Elections Commission, following the end of polling on 15 April. Ballot counting was conducted for at least 24 hours in many locations. The retrieval of materials to State capitals began immediately after the end of counting. There were reports of delays in the payment of polling staff, who in some cases have refused to hand over results and polling materials until they receive their full allowances for the entire polling period.

19. The National Elections Commission had initially planned to tabulate electoral results using a computerized system, with data entry staff in each of the 25 State capitals. Having already announced and postponed several target dates for the announcement of election results, NEC eventually suspended the computerized tabulation and conducted manual tabulation of results. There have been significant

delays in the process, particularly in Southern Sudan, owing to logistical and technical problems, including incorrect packing of materials at the end of polling, and to the challenges of tabulating results from roughly 150,000 results forms. There were reports that staff in Western Bahr al-Ghazal stoned the State High Committee offices, forcing the data entry centre to close down for several hours. Other challenges included insufficient staff recruited and trained, ongoing delays in installing or operating the software for tabulation, and insufficient quantities of computers. In this regard, the United Nations Mission in the Sudan (UNMIS) Electoral Division field teams have liaised with the State High Committees to identify problems and encourage timely discussion of these issues with NEC headquarters in Khartoum.

20. In the Northern States, including the three States of Darfur, data centres are currently functioning, but the pace of data entry remains slow. Consequently, the date set by the Commission for announcing the final results of all races has had to be adjusted several times. The National Elections Commission is holding daily press briefings to announce results. The first announcements were made on 16 April 2010, and results from geographical constituencies began to be announced on 19 April. On 20 April, the winning candidate for the office of Governor of Khartoum, from NCP, was announced, followed by an announcement, on 21 April, of NCP victories for the office of Governor in River Nile and northern States. On 22 April, the winning SPLM candidate of Blue Nile State and the winning NCP candidates for Governor in Red Sea, White Nile, Sinnar, Gezira and Gaderef States were announced.

21. On 26 April 2010, the National Elections Commission announced that incumbent Omar al-Bashir had won the national presidential election, while incumbent Salva Kiir won the Presidency of the Government of Southern Sudan.

22. Various international and domestic observer groups have issued preliminary statements reporting that, while the process did not fully meet international standards, the elections were a significant step towards a democratic process in the Sudan. Regional observers were more restrained in their assessment, commending the National Elections Commission for its management of the process and stating that the elections were an important benchmark in the implementation of the Comprehensive Peace Agreement.

23. UNMIS continues to advise and assist the Commission and the State High Committees in managing the results. The Mission is also working with the National Elections Commission on developing plans for the elections that will be rerun within 60 days and for the elections in Southern Kordofan (Governor and State Assembly) and Gezira (State Assembly) that were postponed until later in the year. UNMIS continues to encourage NEC to deal with challenges and appeals to the process in a serious and transparent manner.

IV. Security developments

24. While the elections process has thus far proceeded without any major violence, there were incidents in some areas in Southern Sudan, particularly where inter-communal conflict has occurred in the past, or where close races took place between independent candidates and incumbents.

25. Tensions and localized violence have been most prevalent in the southern States, including Northern Bahr al-Ghazal, Unity State, Central Equatoria and Western Equatoria States, where the SPLM-nominated Governors faced considerable competition by independent candidates. In some instances, SPLA and the Southern Sudan Police Service were reportedly used to intimidate opponents. Efforts are under way by the President of the Government of Southern Sudan, church leaders and UNMIS to encourage the gubernatorial candidates in particularly tense areas to make use of legal means to address their complaints and avoid incitement of their supporters.

26. In Southern Kordofan State, the voting and counting processes were relatively quiet, partially owing to the NEC decision to delay elections at State-legislative and gubernatorial levels, pending the conduct of a new census for the State. The Governor (NCP) and Deputy Governor (SPLM) issued a joint communiqué at the end of the polling period calling for a continued peaceful approach to the counting process and to the declaration of results. Postponement of the elections in Southern Kordofan could result in a delay of the popular consultations process currently scheduled for January 2011.

27. In Blue Nile State, the situation remained tense owing to a close contest between the incumbent governor, Malik Aggar (SPLM), and the NCP gubernatorial candidate Farnah Aggar. Nevertheless, no significant security incidents occurred. The voting proceeded calmly and both sides made strong public calls for peace, advocating for the acceptance of the official elections results. On 22 April, NEC announced the SPLM candidate as the new Governor.

28. Although ensuring security during the elections and post-election periods remained the prime responsibility of the Government of the Sudan, UNMIS took forward increased confidence-building and conflict management efforts, as well as contingency planning regarding potential humanitarian needs. These activities included a strengthened field presence of all UNMIS components, increased early warning activities, monitoring of potential conflict areas, and human rights reporting. UNMIS also engaged in dialogue with the Sudanese authorities, as well as other political actors, to ensure awareness of potential conflict issues and to promote solutions. In this regard, the Mission has worked closely with humanitarian agencies, which have undertaken substantial emergency preparedness. During the movement of election material, including its retrieval after the polling period, UNMIS provided military second-line transport support, in addition to force protection to United Nations personnel and assets.

29. During the polling exercise, patrolling aimed at providing situational awareness and general area security focused primarily on the identified hotspot areas. The ceasefire monitoring mechanisms, including the Ceasefire Joint Military Committee, the Area Joint Military Committee and the joint military team, were on standby mode to address emerging situations. The increased show of United Nations presence in key areas will continue until after the announcement of the results, with a view to mitigating potentially emerging security situations on the ground.

V. Governance and human rights

30. Although the elections were largely peaceful, there were a number of reports of harassment, intimidation, arbitrary arrests and detention of voters, political party agents and supporters, and NEC officials.

31. In the north, UNMIS received reports of incidents in which NCP, the National Intelligence and Security Service and security forces intimidated and harassed opposition parties, independent candidates and supporters, as well as representatives of civil society. On 11 April 2010, 11 party agents for independent and Beja Congress candidates were abducted from six polling centres in Red Sea State and held for several hours. The brother of the incumbent NCP Governor was reportedly arrested on suspicion of involvement. Shortly before the first polling day, the National Intelligence and Security Service reportedly arrested and detained three members of the Communist Party of the Sudan in response to their call for an elections boycott in Kosti. A similar incident involving six members of the Communist Party reportedly took place in Port Sudan on 9 April. On 14 April, two members of the Girifna activist group were reportedly beaten by an NCP party agent in the presence of police outside a polling station in Omdurman. They were later charged with attempting to kidnap the NCP agent.

32. In Southern Sudan, there were reports that SPLM, the Southern Sudan Police Service and SPLA intimidated, harassed and, in some cases, arrested and detained opposition and independent candidates, party agents and NEC staff. During the polling period, SPLA reportedly arrested agents and supporters of an independent candidate in Northern Bahr al-Ghazal. Also in Northern Bahr al-Ghazal, on 13 April, armed SPLM supporters reportedly entered a polling station and beat and assaulted voters and polling staff. UNMIS has received reports that SPLA arrested and detained opposition supporters in North and West Aweil. On 15 April 2010, unidentified armed men broke into and ransacked the NCP office in Juba, removing documents and equipment. In Yambio, Central Equatoria State, an independent candidate's agent was hospitalized after he and another agent were beaten by an SPLA soldier and an intelligence officer at a polling station on 14 April.

33. With regard to the three areas, there were numerous reports of intimidation and threats against civilians, candidates and opposition sympathizers in Blue Nile State. A dispute between two families in Kurmuk, Blue Nile State, led to an arson attack on 14 April, during which 29 houses were destroyed. In another incident in Kurmuk, SPLA personnel reportedly threatened to kill five schoolteachers involved in civic education, should NCP win. There were reports that many people, fearful of post-election violence, fled to Ed-Damazin.

VI. Observations

34. While the full outcome of the elections is not yet clear, and the conduct of the process has not been fully reported upon by the international observers, the relatively peaceful conduct of the elections was an important benchmark in the implementation of the Comprehensive Peace Agreement. Ultimately, elections should serve to open political space for the people of the Sudan, as part of the democratic transformation of the country. While it is not clear how much space has been opened by this process, certain steps should be acknowledged. Elected

parliaments both at the national and State levels are being established, State Governors have been elected for the first time, and 25 per cent of the seats in both the State and national parliaments were reserved for women.

35. Despite widespread logistical and administrative problems, the vote itself was relatively peaceful. Nonetheless, there is a serious risk of violence in the post-electoral period, particularly in areas where races are closely contested, or where large groups were not included in the process, such as in Darfur. UNMIS and the African Union-United Nations Hybrid Operation in Darfur both remain on high alert in this regard, and are working with the relevant authorities to encourage a peaceful post-electoral period.

36. The United Nations continues to encourage both NCP and SPLM to continue to recognize their common need for cooperation and a mutual desire to maintain the Comprehensive Peace Agreement partnership as the Sudan moves towards the referendums. In this regard, I call on both parties to quickly form a government that can address the challenges facing the Sudan in the coming period. I also encourage SPLM urgently to form an inclusive government in Juba and actively pursue reconciliation measures to address the challenges highlighted by the recent elections. Finally, I call on both parties to further open the political space for the opposition parties and civil society groups, in order to ensure that the elections process is not another step in their marginalization. The goals of peace and stability in the Sudan will require that the international community work closely with the Sudanese towards an inclusive, transformative final year of the implementation of the Comprehensive Peace Agreement.